

"Frequently Asked Questions"

In 2004, the State of California passed a law that requires parents to share the cost of certain services purchased for their children by regional centers. The law does not apply to all families and it applies to only a few services. In addition, it is not intended to be so burdensome to families that it would result in their foregoing needed services for their children.

This new law is called the "Family Cost Participation Program" (FCPP) and it takes effect January 1, 2005. While the general intent of the law is simple - to establish a cost participation for parents whose children receive certain services - details of the law and the way it will be implemented are somewhat more complicated. The following "questions" and "answers" are designed to assist you in understanding the law and how it may affect you and your family.

Q. To whom does the law apply?

- A.** The program applies to families who meet the following criteria:
- The family has a child who is 3 through 17 years old, receives regional center services, and lives at home.
 - The child is not eligible for Medi-Cal.
 - The child receives one or more of three specific services purchased by the regional center: respite, day care, and camping.
 - The family has an income that is at least four times the Federal Poverty Level (FPL).

Q. Are parents of children who are on "emergency Medi-Cal" exempt from FCPP?

A. No.

Q. How much is the cost participation?

A. The FCPP will impact those families whose gross annual income is at least 4 times (or 400%) of the FPL. The FPL guidelines address both income and family

size. For your reference, the Family Cost Participation Schedule that is located in the FCPP Guide and posted on the website, shows the cost percentage based on family size and income.

Families who have more than 1 child being served by the regional center would have their assessed amount adjusted according to how many of their children are clients. The table below shows the reductions in the assessed amount for families who have more than one child who are clients of regional center.

Number of children who are clients	Reduction in FCP assessed amount
2	25%
3	50%
4	75%
5 or more	Exempt from FCPP

The law also allows for an adjustment to the cost participation, as determined by the regional center executive director, for parents who experience "unavoidable and uninsured catastrophic loss with direct economic impact" or "significant, unreimbursed medical costs associated with the care for a child who is a regional center consumer.

Q. Is there a geographical differential for FCPP to recognize different cost of living in different parts of the state?

A. No. The FCPP is standardized statewide.

Q. What is the appeal process?

A. There are two appeal processes, one for an error and one for requested adjustments by the regional center executive director. First, if the parents believe there is an error in the amount calculated for their share they may appeal within 30 days, in writing, to the regional center executive director. If they are not satisfied with the executive director's decision, they may appeal within 15 days to the Director of the Department of Developmental Services. The second process is for parents that request a FCPP adjustment from the regional center executive director. If parents wish to appeal the executive director's decision on their adjustment, and it is before July 1, 2006, they may request a fair hearing. On or after July 1, 2006, they may appeal within 15 days to the Director of the Department of Developmental Services.

Q. How is my family's income determined?

A. The family cost participation is based on the family's gross annual income. This amount can be found on your W-2 Wage Earners Statements, payroll stubs, prior year's state income tax return, or other documents and proof of other income. You will be required to provide income information to the regional center if you are eligible to participate in the FCPP.

Families who do not provide their income information will be required to pay the maximum (80%) cost participation for their family size.

Q. What happens if one parent refuses to provide their gross annual income?

A. The regional center will make a determination based on the income information provided by the responding parent. Additional parental cost participation based on the income of the non-responding parent will be determined by the regional center on a case-by-case basis.

Q. Can regional centers access court documents such as divorce decrees to determine the parents' level of FCPP responsibility?

A. No. Court documents related to child support must be provided by the parents, if necessary. Documentation other than court orders will be evaluated for acceptance by the regional center executive director.

Q. Must parents use the same vendor as the regional center when purchasing the family share of services?

A. No.

Q. Who purchases services first; the regional center or the parents?

A. The law does not require either party to pay their share of cost first. The regional center will not wait for the parents to pay their share before purchasing the regional center share.

Q. What happens if parents do not purchase their share of FCP for respite, day care, or camp services?

A. The vendor is not obligated to provide these services if the parent does not pay for them. The regional center is responsible for their share of cost only, regardless of whether the parent pays for any services. The regional center is not obligated to purchase services beyond their share of cost.

Q. Are parents still responsible for the cost of day care that would be required for a non-disabled child?

A. Yes, the FCPP does not eliminate parental responsibility for the cost of day care that would be required for a non-disabled child.

Q. Does the FCPP apply for respite services that are parent vendored?

A. Yes.

Q. Does the FCPP apply to consumer in the self-directed services pilot project?

A. Yes, as this pilot is currently designed.

Q. Will the FCP Assessment Schedule change, and if so, how often?

A. Yes. The Department will adjust the FCP Assessment Schedule consistent with the changes in the Federal Poverty Level but not more than once each calendar year. The most recent FCP adjusted schedule will become effective April 1, 2005.

This new law is scheduled to remain in effect until July 1, 2009.